

**Action Summary Minutes
for the
San Joaquin Valley Unified Air Pollution Control District
GOVERNING BOARD MEETING
Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA.**

**Wednesday, October 31, 2001
9:00 a.m.**

Meeting held via video teleconferencing (VTC) in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) included via VTC.

1. **CALL TO ORDER** – The Chair (Supervisor Judith G. Case) called the meeting to order at 9:15 a.m.

2. **ROLL CALL was taken and a quorum was present.**

Barbara Patrick, Supervisor	Kern County
Mike Maggard, Councilmember	City of Bakersfield
William Sanders, Supervisor	Tulare County
Tony Barba, Supervisor	Kings County
Gary Gilbert, Supervisor (Alternate)	Madera County
Jerry O'Banion, Supervisor	Merced County
Nick W. Blom, Supervisor	Stanislaus County
Tom Applegate, Councilmember	City of Newman
Jack A. Sieglock, Supervisor	San Joaquin County
Sam Armentrout, Mayor, Vice Chair	City of Madera
Judith G. Case, Supervisor, Chair	Fresno County

3. **APPROVAL OF CONSENT CALENDAR** – **Item Numbers (12-20)**. (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any consent item).

12. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, September 27, 2001.

13. Receive and file List of Scheduled Meetings for 2001 and 2002.

14. Receive and file Operations Statistics Summary for September 2001.

15. Receive and file Budget Status Report as of September 30, 2001.

16. Approve and authorize Chair to execute Amendment No. 1 to agreement with Brown Armstrong Certified Public Accountants to extend the contract for annual audit services for two additional years.
17. Approve agreement with Air Conditioning Company, Inc. in the amount of \$127,022.00 for the heating, ventilating, and air conditioning (HVAC) systems upgrade project for the Central Region Office Building.
18. Accept Lower-Emission School Bus Retrofit Program funds in the amount of \$370,000 from the California Air Resources Board to be placed in the District's Heavy-Duty Engine Emission Reduction Incentive Program.
19. Approval of Employment Contract for Executive Director/APCO.
20. Memorandum of Understanding with Council of Fresno County Governments to provide \$50,000 in matching funds for Phase II of the San Joaquin Valley Goods Movement Study.

Manuel Cunha, Nisei Farmers League requested that Agenda Item # 20 be removed from the Consent Calendar for discussion.

Therefore, the Chair removed Agenda Item # 20 for separate action by the Board.

APPROVED AS RECOMMENDED – A motion was made by Board Member O'Banion to approve the Consent Calendar minus Item #20. The motion was seconded by Board Member Patrick and carried unanimously with the following Roll Call Vote:

Ayes: O'Banion, Maggard, Blom, Barba, Applegate, Sanders, Gilbert, Patrick, Sieglock, Armentrout and Case.

Noes: None.

Absent: None.

The Board approved Consent Calendar Items 12, 13, 14, 15, 16, 17, 18 and 19 as submitted.

20. Memorandum of Understanding with Council of Fresno County Governments to provide \$50,000 in matching funds for Phase II of the San Joaquin Valley Goods Movement Study – Presentation made by Tom Jordan, Senior Air Quality Planner.

The following person provided comment during the public comment portion of this item:

Manuel Cunha, Nisei Farmers League, stated that the ag industry would like to

be included in the planning of this project.

APPROVED AS RECOMMENDED – A motion was made by Board Member Patrick to approve the item as recommended. The motion was seconded by Board Member Applegate and carried unanimously with the following Roll Call Vote:

Ayes: Maggard, Gilbert, Sieglock, Barba, Sanders, O'Banion, Patrick, Blom, Applegate, Armentrout and Case.

Noes: None.

Absent: None.

Therefore, the Board approved the Memorandum of Understanding with Council of Fresno County Governments (COFCG) to provide \$50,000 in matching funds for Phase II of the San Joaquin Valley Goods Movement Study.

4. **PUBLIC COMMENTS** – No Public Comments.
5. **VERBAL REPORT: CITIZENS ADVISORY COMMITTEE (CAC) MEETING** – Roger Isom, Industry/Ag, Primary Member, Fresno County, reported on the CAC Meeting held on Tuesday, October 2, 2001.
6. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4601 (ARCHITECTURAL COATINGS)** – Presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer and Scott Nester, Supervising Air Quality Engineer.

The following persons provided comment during the public comment portion of this item:

Jim Nyarady, ARB, Stationary Source Division, spoke in support of the proposed amendments to Rule 4601.

Madelyn K. Harding, The Sherwin-Williams Company, Administrator Product Compliance & Registrations, spoke in opposition to the proposed amendments to Rule 4601.

Howard Berman, Dunn-Edwards Paints, spoke in opposition to the proposed amendments to Rule 4601.

Robert Wendoll, Dunn-Edwards Paints, Director of Environmental Affairs, has concerns with the proposed amendments to Rule 4601.

Bruce Nilles, Earthjustice, spoke in support of the proposed amendments to Rule 4601.

Jeff Margulies, Attorney representing the National Paint and Coatings Association, spoke in opposition to the proposed amendments to Rule 4601.

ADOPT AS PROPOSED – A motion was made by Board Member Blom to adopt the proposed amendments to Rule 4601 as recommended. The motion was seconded by Board Member Applegate and carried unanimously with the following **Roll Call Vote**:

Ayes: Applegate, Barba, Maggard, Gilbert, Sieglock, O'Banion, Patrick, Blom, Sanders, Armentrout and Case.

Noes: None.

Absent: None.

Therefore, the Board took the following actions:

1. **Adopted the Negative Declaration prepared for the proposed rule amendment.**
2. **Adopted the proposed amendments to Rule 4601 (Architectural Coatings).**
3. **Authorized the Chair to sign the resolution.**

The Board recessed for five minutes at 10:22 a.m.

The Board reconvened at 10:30 a.m.

7. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO REGULATION VIII (FUGITIVE PM 10 PROHIBITIONS) AND RULE 4101 (VISIBLE EMISSIONS)** – Presentation made by: David L. Crow, Executive Director/APCO, Hector Guerra, Air Quality Planner and Scott Nester, Supervising Air Quality Engineer.

Staff provided the Board and the public with the following document:
Addendum to Proposed Regulation VIII (Fugitive PM10 Prohibitions)

The following persons provided comments of concern and opposition to the proposed amendments to Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4101 (Visible Emissions): Suzanne Noble, Western States Petroleum Association, Jay Jahangin, Port of Stockton, Bill Sparks, BIA, Lee Smith, BIA, Cynthia Cory, California Farm Bureau, Doug Davis, Tulare Lake Resource Conservation District, Paul Betancourt, Fresno County Farm Bureau, Paul Martin, Western United Dairyman, Stan Azevedo, Farmer, Kings County, Jim Verboon, Farmer, Kings County, Joyce Venegas, City of Corcoran, Roger Isom, California Cotton Ginners and Growers Association, Tom Rodgers, Farmer, Madera County, Adam Harper, California Mining Association, Duncan McCook,

Anderson Corporation, Mike Turnipspeed, Kern County Farm Bureau, Gary Robinson, Kings County Farm Bureau, Peter Belluomini, Kern County Farm Bureau, Shirley Batchman, California Citrus Mutual, Manuel Cunha, Nisei Farmers League, and Les Clark, Independent Oil Producers Agency,

The following persons provided comments of support to the proposed amendments to Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4101 (Visible Emissions):

Harley McCuan, Caltrans, Walt Parry, Fresno Metro Ministry and Local Health Coalition, Barbara Goodwin, Fresno Council of Governments, Jack Broadbent and Debbie Jordan, Environmental Protection Agency, Gene Richards, Fresno County Bike Coalition, Paul Gipe, Sierra Club, Linda MacKay speaking on behalf of Alice March, Association of Irrigated Residents (AIR), Teresa DeAnde, Center on Race Poverty and the Environment (CRPE), Eric Wesselmar, Sierra Club, Lois Flack, Retired Teacher, Gale Simmons, Citizen, Dr. David Pepper, Medical Alliance for Health, Brent Newell, CRPE, Kevin Hamilton, Medical Alliance for Health, Charles Sant 'Agata, American Lung Association, Arthur Unger, Citizen, Bruce Morris, Citizen, Kevin Hall, Sierra Club and Bruce Nilles, Earthjustice,

During the Public Comment portion of this item the Board recessed for a Lunch Break at 12:32 p.m.

The Board reconvened from Lunch Break at 1:03 p.m. and continued with the Public Comment portion of this item.

The Board received the following items: (1) Memorandum of Understanding Between the Natural Resources Conservation Service, California Department of Food and Agriculture and San Joaquin Valley Unified Air Pollution Control District, (2) correspondence to: Governing Board, October 30, 2001 from: Buena Vista Resource Conservation District, RE: Comments of Proposed Amendments to Regulation VIII – Fugitive PM10 Prohibitions Local Resource Conservation District BACM Determination, (3) adopted Resolution No. 2001-406, October 30, 2001, County of Kern, Board of Supervisors, Expressing Concern Regarding Proposed Fugitive Dust Emission Rules Under Regulation VIII of the San Joaquin Valley Air Pollution Control District, (4) correspondence to: Governing Board Members, October 23, 2001 from: San Joaquin Farm Bureau Federation, RE: Proposed Amendments to Reg. VIII, Fugitive PM10 emissions and prohibitions, (5) correspondence to: The Honorable Christine Todd Whitman, Administrator, Environmental Protection Agency, October 30, 2001 from: Dianne Feinstein, United States Senator, RE: concerns over proposed amendments to Regulation VIII-Fugitive Particulate Matter (PM 10) Prohibitions, (6) correspondence to: Governing Board, October 29, 2001 from: Tulare Lake Resource Conservation District, RE: Tulare Lake

Resource Conservation District Comments on Proposed Amendments to Regulation VIII – Fugitive PM10 Prohibitions Local Resource Conservation District BACM Determination, (7) memorandum to: San Joaquin Valley Unified Pollution Control District Governing Board, October 25, 2001 from: Building Industry Coalition, RE: Regulation VIII/BACM Position Paper, (8) correspondence to: Judith Case, Fresno Air Control District, October 23, 2001, RE: opposition to new standards, (9) correspondence to: Governing Board of Directors, October 17, 2001 from: Board of Supervisors, Stanislaus County, RE: Opposition to Amendments to Regulation VIII (Fugitive Dust Sources), (10) correspondence to: Hector R. Guerra, San Joaquin Valley Unified Air Pollution Control District, October 18, 2001, from: City of Corcoran, Subject: City Council Resolution Opposing Amendments to Regulation VIII with adopted Resolution No. 2034 attached. (11) adopted Resolution No. 2001-259, Board of Supervisors, Madera County, Resolution expressing opposition to the adoption of proposed amendments to Regulation VIII by the San Joaquin Valley Unified Air Pollution Control District, relating to Fugitive PM10 emissions and prohibitions and urges the District to reconsider fees for prescribed burns in wildland areas, (12) correspondence to: Ms. Judith G. Case, San Joaquin Valley Unified Air Pollution Control District, October 11, 2001, from: San Joaquin Valley Transportation Planning Agencies Director's Association, the purpose of correspondence is to encourage resolution of any differences with the affected parties and for the board to take action on October 31, (13) correspondence to: Governing Board Members, October 24, 2001, from: Paul W. and Melanie Demkey, RE: Dust control for agriculture in San Joaquin Valley and (14) email received in Southern Region Office to: Governing Board, October 31, 2001, from: Marietta Millet, RE: Air Quality in the Valley.

After receiving Public Testimony Board Member Maggard provided a list of nine items for the Board's consideration in respect to Regulation VIII.

CONTINUED PUBLIC HEARING TO NOVEMBER 1, 2001 – A motion was made by Board Member Blom to continue the Public Hearing to November 1, 2001 at 3:00 p.m. The motion was seconded by Board Member O'Banion and carried with the following Roll Call Vote:

Ayes: Sieglock, Maggard, Gilbert, Blom, O'Banion and Case.
Noes: Sanders, Barba, Applegate, Patrick and Armentrout.
Absent: None.

The Board took the following action: the Board continued the meeting to November 1, 2001 at 3:00 p.m. with the inclusion of Councilmember Maggard's proposal into Regulation VIII with no additional Public Comments.

8. **CONTINUED TO NOVEMBER 15, 2001**
VERBAL REPORT: RECLASSIFICATION TO EXTREME AREAS FOR THE
SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

9. **CONTINUED TO NOVEMBER 15, 2001**
EXECUTIVE DIRECTOR/APCO COMMENTS

10. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Maggard expressed his appreciation to District staff Hector Guerra for appearing at a recent forum in Bakersfield.

OTHER BUSINESS – No Other Business.

11. **CONTINUED TO NOVEMBER 15, 2001**
CLOSED SESSION

◆ Performance Evaluation: District Counsel

◆ Performance Evaluation: Executive Director/APCO

The Chair stated that the meeting will be continued tomorrow November 1, 2001 at 3:00 p.m.

The Chair adjourned the meeting at 4:00 p.m.